

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ABBOTT GMBH & CO., KG,)	
ABBOTT BIORESEARCH CENTER, INC.,)	
AND ABBOTT BIOTECHNOLOGY LTD.,)	C.A. No. 4:09-CV-11340 (FDS)
)	
Plaintiffs,)	
)	JURY TRIAL DEMANDED
v.)	
)	
CENTOCOR ORTHO BIOTECH, INC. AND)	
CENTOCOR BIOLOGICS, LLC.,)	
)	
Defendant.)	

**DECLARATION OF MATTHEW A. PEARSON IN SUPPORT OF CENTOCOR'S
MOTION FOR RECONSIDERATION OF TWO ASPECTS OF THE MARCH 9, 2012
ORDER ON CROSS-MOTIONS FOR SUMMARY JUDGMENT**

I, Matthew A. Pearson, declare and state as follows:

1. I am counsel at the law firm Akin Gump Strauss Hauer and Feld LLP, counsel for Centocor Ortho Biotech, Inc. and Centocor Biologics, LLC, and as such I am familiar with the facts stated herein.
2. Attached hereto as Exhibit 98 is a true and correct copy of *Automated Business Cos. v. ENC Tech Corp.*, No. H-06-1032, 2009 WL 3674507 (S.D. Tex. Oct. 30, 2009).
3. Attached hereto as Exhibit 99 is a true and correct copy of *Itex, Inc. v. Mount Vernon Mills, Inc.*, No. 08-C-1224, 2011 WL 2470343 (N.D. Ill. Jun. 20, 2011).
4. Attached hereto as Exhibit 100 is a true and correct copy of *Falana v. Kent State Univ.*, 669 F.3d 1349, Slip Op (Fed. Cir. 2012).
5. Attached hereto as Exhibit 101 is a true and correct copy of *Samson v. Crittenden*, 1989 Pat. App. LEXIS 25 (B.P.A.I. Sept. 27, 1989).

6. Attached hereto as Exhibit 102 is a true and correct copy of excerpts from the prosecution history of U.S. Patent No. 6,914,128 bearing bates number COBI01288052 and COBI01288630-640.

7. Attached hereto as Exhibit 103 is a true and correct copy of excerpts from the prosecution history of U.S. Patent No. 7,504,485 bearing bates numbers COBI01289576 and COBI01289999-009.

I declare under penalty of perjury that the foregoing is true and correct.

Date: March 23, 2012

A handwritten signature in dark ink, appearing to read 'Matthew A. Pearson', is written over a horizontal line.

Matthew A. Pearson

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Declaration of Matthew A. Pearson in Support of Centocor's Motion for Reconsideration of Two Aspects of the March 9, 2012 Order on Cross Motions for Summary Judgment along with exhibits cited therein was electronically mailed to counsel of record on March 23, 2012 through the Court's ECF notification system.

A handwritten signature in black ink, appearing to read 'Matthew A. Pearson', is written above a horizontal line.

Matthew A. Pearson